



# County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration  
500 West Temple Street, Room 713, Los Angeles, California 90012  
(213) 974-1101  
<http://ceo.lacounty.gov>

WILLIAM T FUJIOKA  
Chief Executive Officer

November 13, 2014

Board of Supervisors  
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MARK RIDLEY-THOMAS  
Second District

ZEV YAROSLAVSKY  
Third District

DON KNABE  
Fourth District

MICHAEL D. ANTONOVICH  
Fifth District

To: Supervisor Don Knabe, Chairman  
Supervisor Gloria Molina  
Supervisor Mark Ridley-Thomas  
Supervisor Zev Yaroslavsky  
Supervisor Michael D. Antonovich

From: William T Fujioka  
Chief Executive Officer

A handwritten signature in black ink, appearing to read "W. T. Fujioka", is written over the printed name and title.

## WASHINGTON, D.C. UPDATE ON "LAME DUCK" SESSION OF CONGRESS

This memorandum is to inform the Board that, on November 12, 2014, Congress reconvened for a "lame duck" session, which is expected to last through the middle of December.

### **Federal Fiscal Year (FFY) 2015 Appropriations**

Appropriating funds for FFY 2015, which began on October 1, 2014, is at the top of the Congressional agenda for the lame duck session. None of the 12 FFY 2015 appropriations bills, which fund discretionary programs and activities, have been enacted to date. Federal programs and activities, instead, have been temporarily funded under a Continuing Resolution (CR) through December 11, 2014. During the past month, appropriators from both houses informally have been working on a framework for an omnibus FFY 2015 appropriations bill as an alternative to fashioning 12 individual FFY 2015 appropriations bills.

Their target date has been to bring an omnibus appropriations bill for floor action by the week of December 8, 2014. However, their work on FFY 2015 appropriations has been complicated by the President's request last week for emergency funding totaling nearly \$11.8 billion to address the Ebola outbreak and counter the Islamic State threat. The President's request for \$6.18 billion in Ebola funding includes \$1.83 billion for the Centers for Disease Control and Prevention (CDC) to "prevent, prepare for, and respond to the Ebola or other infectious diseases domestically or internationally." An unspecified portion of this CDC funding would be used to "fortify domestic public health systems," which potentially could assist the County's Department of Public Health.

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In addition to deciding whether to provide additional funding to address the Ebola and Islamic State threats, Congress must decide whether to classify such funding as emergency spending. This is significant because offsetting spending cuts in other programs and activities would be required to keep spending under the overall FFY 2015 discretionary spending cap unless such funding is classified as emergency funding. If agreement cannot be reached on an omnibus FFY 2015 appropriations bill or yearlong CR during the lame duck session, then Congress will enact a short-term CR, which leaves the completion of full-year FFY 2015 appropriations to the next 114th Congress. This would not be surprising because, in each of the four previous election years (2006, 2008, 2010, and 2012), a lame duck Congress enacted CRs which left it to the next incoming Congress to finalize full-year appropriations.

### **Other Legislation**

Besides enacting short-term or full-year FFY 2015 appropriations, it is widely expected that Congress will enact other legislation of County interest during the lame duck session. Most notably, it is all but certain that the Temporary Assistance for Needy Families (TANF) Program, which funds CalWORKs, and mandatory child care funding will be extended beyond their current expiration date of December 11, 2014. Congress has temporarily extended both of these mandatory spending programs, which were created by the 1996 welfare reform law, many times since the end of FFY 2010 in lieu of enacting a multi-year reauthorization. The FFY 2015 CR, which was enacted in September 2014, most recently extended these programs through December 11, 2014.

In September 2014, bipartisan agreement between both houses was announced on legislation to reauthorize the discretionary Child Care and Development Block Grant (CCDBG) through FFY 2020. The House amended and passed S. 1086, which reflects this agreement, by voice vote on September 15, 2014. Senate floor action on S. 1086 is scheduled to begin on November 13, 2014. The discretionary CCDBG has not been reauthorized since 1996. S. 1086 gradually would increase the current CCDBG authorization level of \$2.36 billion to nearly \$2.48 billion in FFY 2016 and \$2.75 billion by FFY 2020. As is the case for many other discretionary spending programs, the actual annual funding level for CCDBG, which is set through annual appropriations bills, could vary significantly from the authorized level.

Before the lame duck session ends, a number of bipartisan House-passed child sex trafficking bills (or legislation similar to them) also might be cleared by the Senate for the President's signature. These House-passed child sex trafficking bills were described in the attached Washington, D.C. updates, dated May 22, 2014 and July 28, 2014. To date, the Senate has cleared (and the President has signed into law) only one of these bills -- the Preventing Sex Trafficking and Strengthening Families Act (H.R. 4980).

Each Supervisor  
November 13, 2014  
Page 3

In the closing days of recent lame duck sessions of Congress, many non-controversial bills were sent to the President. However, it is unpredictable as to which bills will be passed at the end of the session because bills generally require unanimous support to be passed by the Senate.

We will continue to keep you advised.

WTF:RJA  
MR:MT:lm

#### Attachments

c: All Department Heads  
Legislative Strategist



WILLIAM T FUJIOKA  
Chief Executive Officer

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ATTACHMENT

May 22, 2014

To: Supervisor Don Knabe, Chairman  
Supervisor Gloria Molina  
Supervisor Mark Ridley-Thomas  
Supervisor Zev Yaroslavsky  
Supervisor Michael D. Antonovich

From: William T Fujioka  
Chief Executive Officer

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## WASHINGTON, D.C. UPDATE ON CHILD SEX TRAFFICKING LEGISLATION

### Executive Summary

This memorandum is to provide the Board with an update on five bills relating to child sex trafficking that were passed by the House on May 20, 2014:

- H.R. 3530: Justice for Victims of Trafficking Act;
- H.R.4058: Preventing Sex Trafficking and Improving Opportunities for Youth in Foster Care Act;
- H.R. 3610: Stop Exploitation Through Trafficking Act;
- H.R. 4225: Stop Advertising Victims of Exploitation Act; and
- H.R. 4573: International Megan's Law to Prevent Demand for Child Sex Trafficking.

The Senate has not scheduled action on these bills, and, instead, is likely to pass its own child sex trafficking legislation for which there is bipartisan support.

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### **H.R. 3530: Justice for Victims of Trafficking Act**

On May 20, 2014, the House passed, 409 to 0, H.R. 3530 (Poe, R-TX), which seeks to reduce the demand for child prostitutes by making it a Federal crime to patronize or solicit sexual acts from a child prostitute, and to facilitate prosecutions of child sexual exploitation (including pornography) by facilitating the ability of state and local law enforcement to obtain wiretaps.

The bill also creates a new Victim-Centered Sex Trafficking Deterrence Grant Program, which is intended to help state and local governments implement programs to investigate and prosecute child traffickers, provide specialized training, and assist child sex trafficking victims, including through specialized court programs. The duration of the grants, which would be awarded on a competitive basis, is one year, but may be renewed three times with the Federal cost share capped at 70 percent in the first year, 60 percent in the second year, and 50 percent in the third year. H.R. 3530 authorizes up to \$5 million a year for the program in Federal Fiscal Years (FFYs) 2015 through 2019, which is the same authorization level as for the Pilot Program for Residential Treatment Facilities, which it replaces.

The House-passed H.R. 3530 does not include language in the bill, as introduced, which would have established a new funding source for financing services provided to victims of human trafficking or child pornography. The House Judiciary Committee amended the bill on April 30, 2014 to delete provisions, which would have:

- Increased penalties for human trafficking offenses, including financial penalties that would have been deposited into a newly created Domestic Trafficking Victims Fund ("Fund") for financing services to victims; and
- Allocated up to \$7 million a year from this Fund to the bill's new victim-centered grant program in FFYs 2015 through 2019.

The bill's annual authorization level of \$5 million for the victim-centered grant program is so low that it severely limits its value as a potential funding source for the County's Juvenile Court and Probation Department projects for assisting child sex trafficking victims, which expire on December 31, 2014. These projects currently receive a combined total of \$650,000 a year in one-time funding from the State of California's Federal Title II Juvenile Justice Formula Grant. If this new program were fully funded at \$5 million, the Department of Justice (DOJ) probably would cap individual grants at a significantly lower level than \$650,000. In FY 2013, DOJ capped grants for services to human trafficking victims at \$400,000 when it awarded 12 grants totaling \$4,711,493.

**H.R.4058: Preventing Sex Trafficking and Improving Opportunities for Youth in Foster Care Act**

On May 20, 2014, the House passed, by a voice vote, H.R. 4058 (Reichert, R-WA), which seeks to prevent, identify, and address sex trafficking of youth in the foster care system, and which also makes other changes to Title IV-E Foster Care that are not directly related to child sex trafficking. For the most part, the bill's sex trafficking language imposes new IV-E requirements on states, including the following:

- Develop and implement policies and procedures for identifying, screening, and determining appropriate actions and services for children in the child welfare system who may be victims of sex trafficking or are at risk of becoming victims and for providing relevant training for caseworkers. States also are provided a new option to apply these policies and procedures to individuals up to age 26 without regard to whether the individual is or was in foster care;
- Identify and document children in the child welfare system who are victims of sex trafficking or other severe forms of trafficking, and report information on victims of sex trafficking and on missing or abducted children to law enforcement agencies within 24 hours of receiving such information; and
- Develop and implement protocols for locating children who are missing from foster care and determining whether a child had been a possible sex trafficking victim while missing from foster care.

The bill imposes other new IV-E requirements on states that are not directly related to sex trafficking, including requiring states to:

- Implement a "reasonable and prudent parent standard," which provides foster parents with a greater voice in making decisions about a foster child's participation in age-appropriate activities -- a standard that already exists in California; and
- Empower foster youth age 14 or older to have a greater voice in the development of their case plans, including through the selection of two individuals to participate in their case planning.

H.R. 4058 also eliminates the current option to make Another Planned Permanent Living Arrangement (APPLA) the permanency goal of an abused or neglected child under age 16 when a child welfare agency has documented to the juvenile court that there is a compelling reason why APPLA is in the child's best interest as an alternative

to the goals of reunification with parents, adoption, or legal guardianship. Compelling reasons why APPLA (placement in long-term foster care) may be in the child's best interest may include that the child has an abusive parent with serious mental health or substance abuse problems, or the child has special needs or problems, such as physical, mental, or emotional disabilities, which make family reunification, adoption, or legal guardianship less beneficial for the child's safety and well-being. In addition, APPLA/long-term foster care (LTFC) may be determined to be in the child's best interest when the child has a relative who is willing to care for the child, but not be the child's adoptive parent or legal guardian, or when the child has siblings who do not want to be separated.

Without APPLA/LTFC as an option, more children would be returned to their parents, placing them at greater risk of abuse. Eliminating APPLA as a permanency goal also would force the Department of Children and Family Services (DCFS) to use more resources to recruit adoptive parents and legal guardians for hard to place children, such as those with disabilities and multiple siblings, and to ensure that the special needs of children can be met after they are placed with adoptive parents or legal guardians. Moreover, the County could be required to finance the entire increased cost if it is participating under a IV-E waiver which caps its Federal IV-E funding.

#### **H.R. 3610: Stop Exploitation Through Trafficking Act**

On May 20, 2014, the House passed, by a voice vote, H.R. 3610 (Paulsen, R-MN), which seeks to encourage states to enact "safe harbor" laws which discourage the prosecution of minors for prostitution and, instead, treats them as trafficking victims who should be provided specialized services by giving preference in the awarding of COPS hiring grants to applicants in states with such laws. Law enforcement agencies in California would not qualify for a preference in securing a COPS hiring grant award because the State does not have such a "safe harbor" law. Securing a COPS hiring grant is very competitive because the demand for such grants far exceeds available funding. The County's Sheriff's Department most recently was awarded a COPS grant in FFY 2011 when it received approximately \$8.5 million. For FFY 2014, \$180 million was appropriated for COPS hiring grants.

The bill also would require the Department of Health and Human Services to fund a national human trafficking hotline to assist trafficking victims in communicating with service providers, beginning in FFY 2017.

Each Supervisor  
May 22, 2014  
Page 5

### **H.R. 4225: Stop Advertising Victims of Exploitation Act**

On May 20, 2014, the House passed, by a voice vote, H.R. 4225 (Wagner, R-MO), which is intended to prevent the advertising of acts of commercial sexual trafficking, including, but not limited to, advertising on the Internet. It amends current Federal sex trafficking laws to add the advertising of certain commercial sex acts, including sex with minors, to the Federal crime of the sex trafficking of minors. While the bill passed on a voice vote, a number of Democrats voiced concern that this crime would be subject to mandatory minimum prison sentencing penalties of 10 to 15 years to which they object. When H.R. 4225 was marked up in the House Judiciary Committee on April 30, 2014, an amendment by Representative Scott (D-VA) to not apply mandatory minimum sentences to advertising offenses was defeated, 8 to 20, along party lines.

### **H.R. 4573: International Megan's Law to Prevent Demand for Child Sex Trafficking**

On May 20, 2014, the House passed, by a voice vote, H.R. 4573 (Smith, R-NJ), which would require the Department of Homeland Security to establish a center that would notify foreign governments, as appropriate, of the foreign travel of child sex offenders, and that also would provide warnings to offenders if it believes that its notification to a foreign government would endanger an offender's life or well-being. It is modeled after "Megan's Law" -- a law which encourages states to protect children by identifying the whereabouts of sex offenders and providing the means to monitor their activities.

### **Senate Outlook**

There is strong bipartisan interest in addressing child sex trafficking in the Senate, which has not scheduled action on any of the House bills and is likely to pass its own child sex trafficking bills. The Senate Finance Committee has reported the Supporting At-Risk KIDS Act (S. 1870), which includes some child sex trafficking and Title IV-E provisions similar to those contained in H.R. 4058, including the elimination of the APPLA option for children under age 16. S. 1870, however, differs from H.R. 4058 in so far as it also includes provisions affecting other programs, including Child Support Enforcement, Unemployment Insurance, and Adoption Incentive Payments.

We will continue to keep you advised.

WTF:RA  
MR:MT:ma

c: All Department Heads  
Legislative Strategist





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WILLIAM T FUJIOKA  
Chief Executive Officer

July 28, 2014

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To: Supervisor Don Knabe, Chairman  
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From: William T Fujioka  
Chief Executive Officer

## WASHINGTON, D.C. UPDATE ON HOUSE PASSAGE OF HUMAN TRAFFICKING LEGISLATION

### Executive Summary

This memorandum is to provide the Board with an update on House passage of eight human trafficking bills of which only one bill -- H.R. 4980, the Preventing Sex Trafficking and Strengthening Families Act, would affect the County.

None of these bills authorize or appropriate any new Federal funding for anti-human trafficking activities except for H.R. 4980 to the extent it amends Title IV-E Foster Care, which provides Federal matching funds on an open-ended entitlement basis. However, the County's IV-E revenue generally is capped under the County's current IV-E waiver, and also may be capped under the terms and conditions of a new five-year waiver extension that is being negotiated between the State and Federal governments.

### Preventing Sex Trafficking and Strengthening Families Act (H.R. 4980)

On July 23, 2014, the House passed H.R. 4980, which seeks to prevent, identify, and combat sex trafficking of youth in the child welfare system, and which also makes other changes to Title IV-E Foster Care that are not directly related to child sex trafficking.

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The bill's sex trafficking provisions mainly impose new IV-E requirements on states, including the following:

- Develop and implement policies for identifying, screening, and determining appropriate actions and services for children in the child welfare system who are believed to be, or at risk of being, victims of sex trafficking and for training caseworkers. States are given the option to serve victims up to age 26 without regard to whether the individual is or was in foster care;
- Identify and document children in the child welfare system who are either victims of sex trafficking or other severe forms of trafficking, and report information on victims of sex trafficking and on missing or abducted children to law enforcement agencies within 24 hours of receiving such information;
- Develop and implement protocols for locating children who are missing from foster care and determining whether a child had been a possible sex trafficking victim while missing from foster care; and
- Annually report the number of children and youth who are sex trafficking victims to the Secretary of Health and Human Services (HHS).

H.R. 4980 imposes other new IV-E requirements on states that are not directly related to sex trafficking, including the following:

- Implement a "reasonable and prudent parent standard," which provides foster parents with a greater voice in making decisions about a foster child's participation in age-appropriate activities -- a standard that already exists in California;
- Empower foster youth age 14 or older to have a greater voice in the development of their case plans, including through the selection of two individuals to participate in their case planning; and
- Require states to provide a child who is aging out of foster care with a birth certificate, Social Security card, health insurance information, medical records, and a driver's license or state identification card.

The bill also eliminates the current option to make Another Planned Permanent Living Arrangement (APPLA) the permanency goal for an abused or neglected child who is under age 16 even when there is a compelling reason why APPLA is in the child's best interest rather than the goals of reunification with parents, adoption, or legal guardianship. Compelling reasons why APPLA (placement in long-term foster care)

may be in the child's best interest include that the child has an abusive parent with mental health or substance abuse problems or that the child has special needs or disabilities that make family reunification, adoption, or legal guardianship less beneficial or viable options. In addition, APPLA/long-term foster care (LTFC) may be determined to be in the child's best interest when the child has a relative who is willing to care for the child, but not as the child's adoptive parent or legal guardian.

Eliminating APPLA/LTFC as an option would result in more children being returned to their parents, placing them at greater risk of abuse, and also would require the Department of Children and Family Services to expend more resources on recruiting adoptive parents and legal guardians and providing specialized services to children with special needs and disabilities.

Under existing law (Title IV-E of the Social Security Act), states will be eligible to receive Federal IV-E matching funds to reimburse any additional costs associated with complying with the new requirements in H.R. 4980. The State of California is pursuing financial terms and conditions in a new five-year IV-E waiver extension, which would enable waiver counties to receive additional Federal IV-E revenue if legislation, such as this bill, is enacted that imposes or makes more costs eligible for IV-E matching funds. Without such terms and conditions, Federal IV-E waiver revenue may be capped.

#### **Other Human Trafficking Bills Passed by the House**

On July 23, 2014, the House also passed the following five human trafficking bills:

**H.R. 2283 (Smith, R-NJ)**, the Human Trafficking Prioritization Act, which changes the State Department's Office to Monitor and Combat Trafficking into the Bureau to Combat Trafficking in Persons that would be headed by an assistant secretary;

**H.R. 4449 (S. Maloney, D-NY)**, the Trafficking Victims Protection Act, which expand training on "trafficking-in-persons issues" for high-ranking State Department personnel, including through specific trafficking-in-persons briefings for all ambassadors and deputy chiefs of mission before they depart for their posts;

**H.R. 5076 (Heck, R-NV)**, the Enhancing Services for Runaway and Homeless Victims of Youth Trafficking Act, which would make youth who are human trafficking victims eligible for services funded by Runaway and Homeless Youth Grants;

**H.R. 5116 (Meadows, R-NC)**, the Human Trafficking Detection Act, which would require the Department of Homeland Security to train agents who are responsible for inspecting individuals who enter the country to deter and detect human trafficking, and to submit a report to Congress on the overall effectiveness of the training; and

Each Supervisor  
July 28, 2014  
Page 4

**H.R. 5135, Noem, R-SD**, the Human Trafficking Prevention, Intervention, and Recovery Act, which directs the Interagency Task Force to Monitor and Combat Trafficking to identify strategies to prevent the trafficking of children and to submit a report to Congress on best practices and effective strategies for combatting child trafficking, and which directs the Government Accountability Act to submit a report to Congress on law enforcement efforts and Federal grants to combat human trafficking.

On July 24, 2014 and July 25, 2014, the House passed two additional human trafficking bills:

**H.R. 5081 (Bass, D-CA)**, the Strengthening Child Welfare Response to Trafficking Act, which would require state plans for the Child Abuse Prevention and Treatment Act (CAPTA) State Grant to include procedures for identifying and assessing reports involving child trafficking victims, training state protective services representatives to identify and assess such victims, and referring victims to appropriate services to address their needs.

**H.R. 5111 (Beatty, D-OH)**, which would replace "child prostitution" with "child sex trafficking, including child prostitution" as one of the areas for reporting to the tip line on Internet-related child sexual exploitation that is run by the National Center for Missing and Exploited Children.

### **Legislative Outlook**

The Senate is expected to pass and send H.R. 4980, the Preventing Sex Trafficking and Strengthening Families Act to the President for his signature because the bill reflects a bipartisan agreement reached between House Ways and Means Committee and Senate Finance Committee leaders near the end of June 2014. The Senate neither has taken nor scheduled action on any legislation similar to the other seven human trafficking bills passed by the House this week.

We will continue to keep you advised.

WTF:RA  
MR:MT:ma

c: All Department Heads  
Legislative Strategist